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## **House Bills 5771-2**

**Topic:** Employment Relations  
**Sponsor:** Representatives Gosselin and Drolet  
**Co-sponsors:** Representatives Hoogendyk, Garfield, Sheen, Steil, Palmer, and Acciavatti  
**Committee:** House Commerce

**Date Introduced:** March 1, 2006

**Date of Summary:** March 3, 2006

House Bill 5771 strikes the provision in Public Act 336 of 1947 that allows a public employer from making an agreement with an exclusive bargaining representative to require that all employees pay a service fee to the exclusive bargaining unit as a condition of employment.

House Bill 5772 would establish the "Right to Work Law". Except for five situations specified in the bill, a person would be prohibited from requiring an employee to become or remain a member of a labor organization, pay dues to a labor organization, or pay to a charity or other third party an amount equivalent to labor organization dues. An agreement, understanding, or practice between a labor organization and employer that violates these employee rights would be unlawful and unenforceable. A person suffering an injury or a threatened injury from a violation would be authorized to bring a civil action for damages, injunctive relief, or both. The court may award the prevailing party costs and reasonable attorney fees. The civil remedy is independent of, and in addition to, any criminal proceeding or sanction prescribed for violation of the bill's requirements. The bill declares a violation to be a misdemeanor and requires prosecution of violations if credible evidence of a violation exists.

The bill establishes five exceptions to the requirements:

- An employer or employee covered by the federal Railway Labor Act,
- A federal employer or employee,
- An employer or employee at an exclusively federal enclave,
- An employment contract entered into before the effective date of the proposed requirements. The bill's requirements would apply to a contract renewal or extension.
- A situation that would conflict with, or be preempted by, federal law.

The two bills are tie-barred to each other.